

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HARTFORD FIRE INSURANCE
COMPANY,

Plaintiff,

v.

EASTERN CONTRACTORS, INC.,

Defendant.

CIVIL ACTION NO. 03-12502-NMG

EASTERN CONTRACTORS, INC.,

Third Party Plaintiff,

v.

CITY OF LAWRENCE, CITY OF FALL
RIVER and FREETOWN/LAKEVILLE
REGIONAL SCHOOL DISTRICT,

Third Party Defendants.

HARTFORD FIRE INSURANCE COMPANY'S
MOTION FOR PARTIAL SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. Rule 56, the plaintiff, Hartford Fire Insurance Company ("Hartford"), respectfully requests that the Court grant partial summary judgment in Hartford's favor. As grounds for this Motion, Hartford states that there is no genuine issue as to any material fact and, based upon the undisputed facts, Hartford is entitled to judgment in its favor on Count VII of its Complaint for Declaratory Relief and an Order declaring that Hartford is discharged from all obligations and liability under surety bonds issued with respect to the Lynnfield Middle School and Normandin Middle School projects, and on Counts I and II of Eastern's Counterclaim as they pertain to claims against Hartford on the Spencer Borden Elementary School project.

In further support of this Motion, Hartford files herewith a Statement of Undisputed Material Facts, Memorandum of Law in Support of Hartford's Motion for Partial Summary Judgment, and the Affidavit of Gary A. Judd, with exhibits attached.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Hartford hereby requests an opportunity to make an oral argument on its Motion for Partial Summary Judgment because such argument is likely to assist the Court in deciding the Motion.

Respectfully submitted,

Hartford Fire Insurance Company,

By its attorneys,

/s/ Eric H. Loeffler
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